

AMENDED IN SENATE JUNE 21, 2006

AMENDED IN ASSEMBLY MARCH 22, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1968

Introduced by Assembly Members Leslie and Jones

February 9, 2006

An act to amend Section 76361 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 1968, as amended, Leslie. Community colleges: transportation fees.

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law establishes community college districts throughout the state, and authorizes them to maintain campuses at which instruction is provided to students. Existing law authorizes the governing boards of community college districts to charge various fees, including fees charged to students and employees at a campus of the district for purposes of partially or fully recovering transportation costs incurred by the district or of reducing fares for services provided by common carriers or municipally owned transit systems to these students and employees, in accordance with a prescribed procedure. With respect to these transportation fees, existing law requires a governing board maintaining transportation services to adopt rules and regulations governing the exemption of low-income students from these fees and authorizes the governing

board to adopt rules and regulations that provide for the exemption of others.

This bill would delete the provision relating to the adoption of the rules and regulations governing the exemption of low-income students and other students from these fees. The bill would instead authorize the governing board of a community college district to adopt rules and regulations to exempt low-income students from this fee, or to require low-income students to pay all or part of this fee.

The bill would prohibit the governing board of a community college district from entering into, or extending, a contract for transportation services, funded by the proceeds of a transportation fee and provided by a common carrier or a municipally owned transit system, unless and until a majority of students of that district who vote in an election, held no more than 10 years prior to the date of the expiration of the contract proposed to be entered into or no more than 10 years prior to the date to which it is proposed that an existing contract be extended, have approved the payment of the fee for this purpose. *The bill would require that an election held pursuant to this provision be held in accordance with regulations adopted by the board of governors to ensure that the election is publicly noticed and that all students, including full-time, part-time, evening, and weekend students, have an opportunity to vote in the election.* The bill would require that, if the governing board decides to seek to terminate or alter the arrangements under which the district receives transportation services from a common carrier or municipally owned transit system, the governing board provide at least 12 months' notice of that intention to the provider of transportation services.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 76361 of the Education Code is
- 2 amended to read:
- 3 76361. (a) The governing board of a community college
- 4 district may require students in attendance and employees at a
- 5 campus of the district to pay a fee for purposes of partially or
- 6 fully recovering transportation costs incurred by the district or of
- 7 reducing fares for services provided by common carriers or

1 municipally owned transit systems to these students and
2 employees.

3 (b) Fees authorized by subdivision (a) for transportation
4 services may be required to be paid only by students and
5 employees using the services, or, in the alternative, by either of
6 the following groups of people:

7 (1) Upon the favorable vote of a majority of the students and a
8 majority of the employees of a campus of the district, who voted
9 at an election on the question of whether or not the governing
10 board should require all students and employees at the campus to
11 pay a fee for transportation services for a period of time to be
12 determined by the governing board of the district, the fees may
13 be required to be paid by all students, other than those students
14 who are exempt from the fees pursuant to paragraph (1) of
15 subdivision (c), and all employees of the campus of the
16 community college district.

17 (2) Upon the favorable vote of a majority of the students at a
18 campus of the district, who voted at an election on the question
19 of whether or not the governing board should require all students
20 to pay a fee for transportation services for a period of time to be
21 determined by the governing board of the district, the fees may
22 be required to be paid by all students, other than those students
23 who are exempt from the fees pursuant to paragraph (1) of
24 subdivision (c), at the campus of the community college district.
25 However, the employees shall not be entitled to use the services.

26 (c) (1) If, pursuant to this section, a fee is required of students
27 for transportation services, any fee required of a part-time student
28 shall be a pro rata lesser amount than the fee charged to full-time
29 students, depending on the number of units for which the
30 part-time student is enrolled. A governing board providing for
31 transportation services may adopt rules and regulations to exempt
32 low-income students from this fee, or to require low-income
33 students to pay all or part of this fee.

34 (2) (A) The governing board of a community college district
35 shall not enter into, or extend, a contract for transportation
36 services provided by a common carrier or a municipally owned
37 transit system, funded by the proceeds of a fee authorized under
38 this section, unless and until a majority of the students of that
39 district who vote in an election, held no more than 10 years prior
40 to the date of the expiration of the contract proposed to be

1 entered into or no more than 10 years prior to the date to which it
2 is proposed that an existing contract be extended, have approved
3 the payment of the fee for this purpose. ~~If An election held~~
4 ~~pursuant to this subparagraph shall be held in accordance with~~
5 ~~regulations adopted by the board of governors to ensure that the~~
6 ~~election is publicly noticed and that all students, including~~
7 ~~full-time, part-time, evening, and weekend students, have an~~
8 ~~opportunity to vote in the election.~~

9 (B) If the governing board decides to seek to terminate or alter
10 the arrangements under which the district receives transportation
11 services from a common carrier or municipally owned transit
12 system, the governing board shall provide at least 12 months'
13 notice of that intention to the provider of transportation services.
14 ~~the governing board decides to seek to terminate or alter the~~
15 ~~arrangements under which the district receives transportation~~
16 ~~services from a common carrier or municipally owned transit~~
17 ~~system, the governing board shall provide at least 12 months'~~
18 ~~notice of that intention to the provider of transportation services.~~

19 (d) The total fees to be established periodically by the
20 governing board pursuant to this section shall not exceed the
21 amount necessary to reimburse the district for transportation
22 costs incurred by the district in providing the transportation
23 ~~service services~~. The sum of the fee authorized pursuant to this
24 section for transportation services and the fee authorized
25 pursuant to Section 76360 for parking services shall not exceed
26 sixty dollars (\$60) per semester or thirty dollars (\$30) per
27 intersession, or the proportionate equivalent for part-time
28 enrollment.

29 (e) The governing board of a community college district also
30 may require the payment of a fee, to be fixed by the governing
31 board, for the use of transportation services by persons other than
32 students and employees.

33 (f) This section does not apply to, and no fee shall be charged
34 for, on-campus shuttles or other transportation services operated
35 on a campus or between the campus and parking facilities owned
36 by the district.